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08 UNITED STATES DISTRICT COURT  
09 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

10 UNITED STATES OF AMERICA, ) Case No.: CR 02-00286-RSL  
11 )  
12 Plaintiff, )  
13 v. ) SUMMARY REPORT OF U.S.  
14 ) MAGISTRATE JUDGE AS TO  
15 MICHAEL KEITH CUMMINGS, ) ALLEGED VIOLATIONS  
OF SUPERVISED RELEASE  
16 Defendant. )  
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16 A probation revocation hearing on a supervised release violation was held before the  
17 undersigned Magistrate Judge on October 17, 2005. The United States was represented by  
18 Assistant United States Attorney William Redkey, and the defendant by Mr. Timothy Lohraff.  
19 The proceedings were recorded on cassette tape.

20 The defendant had been sentenced on or about December 13, 2002, on a charge of being  
21 a felon in possession of a firearm. The defendant was sentenced to 45 months in custody  
22 followed by three years of supervised release.

23 In an application dated May 25, 2005, U.S. Probation Officer Jennifer J. Tien alleged the  
24 defendant committed five violations of the conditions of supervised release. On July 6, 2005,  
25 the defendant admitted violations two through five at a hearing before the Honorable Mary Alice  
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01 Theiler. (DKT No. 34). At a subsequent hearing, alleged violation number one was withdrawn.  
02 (DKT No. 39).

03 In an application dated August 16, 2005, U.S. Probation Officer Jennifer J. Tien alleged  
04 the following additional violation of the conditions of supervised release:

05 6. Failing to reside in and successfully participate in the community corrections  
06 center program at Pioneer Fellowship House, as directed by the Court, in  
07 violation of his special condition of supervised release.

08 At a hearing on October 17, 2005, defendant was advised in full as to this charge and as  
09 to his constitutional rights. The defendant admitted violation No. 6, and waived any evidentiary  
10 hearing as to whether it occurred.

11 I therefore recommend that the Court find the defendant violated his supervised release  
12 as to violation No. 6, and that the Court conduct a hearing limited to the issue of disposition.  
13 The disposition hearing has been set before Chief Judge Robert S. Lasnik on November 3, 2005  
14 at 8:45 a.m.

15 Pending a final determination by the Court, the defendant has been detained.

16 DATED this 17th day of October, 2005.

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19 JAMES P. DONOHUE  
United States Magistrate Judge

20 cc: District Judge: The Hon. Robert S. Lasnik  
21 AUSA: Mr. William Redkey  
22 Defendant's attorney: Mr. Timothy Lohraff  
23 Probation officer: Ms. Jennifer J. Tien  
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